THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

WP Nos. 21813, 21534, 21548, 21564, 21565, 21572, 21576, 21592, 21596, 21599, 21600, 21634, 21667, 21685, 21700, 21717, 21744, 21798, 21808, 21818, 21827, 21830, 21840, 21844, 21847, 21858, 21862, 21870, 21875, 21877,21896, 21921, 21934, 21935, 22005, 22010, 22030, 22034, 22045, 22053, 22056, 22067, 22086, 22089, 22099, 22114, 22160, 22139, 22140, 22161, 22162, 22165, 22166, 22173, 22175, 22176, 22182, 22188, 22189, 22192, 22195, 22196, 22197, 22199, 22200, 22204, 22205, 22211, 22212, 22214, 22215, 22217, 22218, 22220 to 22224, 22226, 22231, 22233, 22234, 22235, 22237, 22241, 22242, 22243, 22244, 22247, 22251, 22252, 22258, 22280, 22301, 22308, 22315, 22317, 22322, 22331, 22341, 22354, 22355, 22356, 22360, 22362, 22363, 22365, 22368, 22369, 22378, 22391, 22397, 22397, 22410, 22411, 22447, 22482, 22486, 22497, 22499, 22515, 22555, 22585, 22637, 22777, 22888, 22891, 22908, 22911, 22912, 22914, 22915, 22916, 22948, 23002, 23583, 23817,

23818 of 2005.

Date: 28-4-2006

WP No.21813/2005:

Between:

Pallelal Pulla Reddy ..Petitioner

and

1. The Commissioner for Co-operation & Registrar of Co-operative Societies, Andhra Pradesh, Gruhakalpa Buildings, Nampally, Hyderabad and four others. … Respondents

WP No.21534/2005:

Between:

1. M.Venkata Subbaiah ..Petitioner

and

1. The District Collector (Cooperation) Kadapa District at Kadapa and three others …Respondents

WP No.21548/2005:

Between:

1. Nalakuduti Nageswara Rao and another ..Petitioners

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and others …Respondents

WP No.21564/2005:

Between:

1. Patapanchala Rambabu and another ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others …Respondents

WP No.21565/2005:

Between:

1. Rajaboina Yadagiri and five others. ..Petitioners

and

1.The District Collector, Ranga Reddy District land three others.

..Respondents

WP No.21572/2005:

Between:

1. G.Konda Sree Rama Murthy and another ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and others …Respondents

WP No.21576/2005:

Between:

Manthena Venkatarama Raju ..Petitioner

And

1. The District Collector, Guntur and three others.

..Respondents.

WP No.21592/2005:

Between:

1. M.Murali and another ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and others …Respondents

WP No.21596/2005:

Between:

1. K.Venkateswara Rao and another ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others …Respondents

WP No.21599/2005:

Between:

Maganti Srinivasa Rao ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others. …Respondents

WP No.21600/2005:

Between:

1. U.Narasimha Rao and another ..Petitioners

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others. …Respondents

WP No.21634/2005:

Between:

Thotakura Rama Rao ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others …Respondents

WP No.21667/2005:

Between:

Nallamilli Gopalakrishna Reddy ..Petitioner

And

1. The District Collector-cum-District Election Authority, East Godavari District at Kakinada and two others. ..Respondents

WP No.21685/2005:

Between:

Ravula Anki Reddy ..Petitioner

And

1. The District Collector, Nellore District, Nellore and four others. ..Respondents.

WP No.21700/2005:

Between:

Ch. Ramprasad ..Petitioner

And

1. Varini Primary Agricultural Cooperative Society Limited, Varini, Vidavalur Mandal, Nellore District, represented by its Authorized Officer. ..Respondents

WP No.21717/2005:

Between:

P.Manikyappa ..Petitioner

And

1. The District Collector, Medak District at Sanga Reddy and two others. ..Respondents.

WP No.21744/2005:

Between:

Indukuri Viswanadha Raju ..Petitioner

And

1. The State of A.P. represented by its Secretary, Cooperation, Secretariat, Hyderabad and four others. ..Respondents.

WP No.21798/2005:

Between:

Meda Vijaya Kumar Reddy ..Petitioner

and

1. The District Collector (Cooperation) Nellore District at Nellore and three others … Respondents

WP No.21808/2005:

Between:

Jagarlamudi Srinivasa Rao ..Petitioner

and

1. The District Collector, Guntur, Guntur District and four others …Respondents

WP No.21818/2005:

Between:

Rama Kamaiah ..Petitioner

1. The Commissioner for Cooperation and Registrar of Cooperative Societies, A.P. Gruhakalpa Building, Nampally, Hyderabad and four others. ..Respondents.

WP No.21827/2005:

Between:

Cheedirala Bharath Reddy ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others …Respondents

WP No.21830/2005:

Between:

G. Ajay Kumar ..Petitioner

and

1. The District Collector (Cooperation), Krishna District at Machilpatnam … Respondents

WP No.21840/2005:

Between:

Chirivella Eswaraiah ..Petitioner

and

1. The Commissioner for Cooperation and Registrar of Cooperative Societies, Nampally, Hyderabad and five others. …Respondents

WP No.21844/2005:

Between:

V.Venkateswara Rao ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others. …Respondents

WP No.21847/2005:

Between:

M.Venkata Ramakrishna Rao ..Petitioner

and

1. The District Collector (Cooperation) Krishna Disteict at Machilipatnam and three others. …Respondents

WP No.21859/2005:

Between:

M.Narsaiah ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others. …Respondents

WP No.21862/2005:

Between:

M.Hanumantha Rao ..Petitioner

and

1. The District Collector (Cooperation) Krishna District Iat Machilipatnam and three others …Respondents

WP No.21870/2005:

Between:

Velaga Narsimha Rao ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others. …Respondents

WP No.21875/2005:

Between:

N.Viswanadham ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others. …Respondents

WP No.21877/2005:

Between:

Pasupuleti Pulla Rao ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others. …Respondents

WP No.21896/2005:

Between:

S.Sivanarayana ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam land three others. …Respondents

WP No.21921/2005:

Between:

1. Rangareddigari Ramachandra Reddy and five others.

..Petitioners

and

1. The District Collector / District Registrar, Chittoor, Chittoor District and two others.

..Respondents.

WP No.21934/2005:

Between:

Thati Raja Rao ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others. …Respondents

WP No.21935/2005:

Between:

1. Chandrapatia Lakshmi Narasimha Rao and another ..Petitioners

and

1. The District Collector (Cooperation) Krishna District, Machilipatnam and three others. ..Respondents

WP No.22005/2005:

Between:

Maddimsetti Venkanna ..Petitioner

and

1. The District Collector-cum-District Election Authority, East Godavari District at Kakinada and two others ..Respondents

WP No.22010/2005:

Between:

V.K.Rama Chandra Reddy ..Petitioner

and

1. The Government of A.P. represented by its Secretary for Co-operation, Secretariat, Hyderabad and six others ..Respondents

WP No.22030/2005:

Between:

Anam Adinarayana ..Petitioner

and

1. The District Collector (Cooperation), Machilipatnam, Krishna District and six others. ..Respondents

WP No.22034/2005:

Between:

Kota Hari Babu ..Petitioner

and

1. The District Collector, Guntur, Guntur District and five others. ..Respondents

WP No.22045/2005:

Between:

M. Srinivasa Rao ..Petitioner

and

1. The District Collector, Guntur, Guntur District and five others ..Respondents

WP No.22053/2005:

Between:

Poka Babu ..Petitioner

and

1. The District Collector, Guntur, Guntur District and eleven others. ..Respondents

WP No.22056/2005:

Between:

1. P. Viswanadam and another ..Petitioners

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others. ..Respondents

WP No.22067/2005:

Between:

1. Maggi Venkata Niranjan Kumar ..Petitioner

and

1. The District Collector, Visakhapatnam and two others ..Respondents

WP No.22086/2005:

Between:

V.Saileswara Rao ..Petitioner

and

1. The District Collector (Cooperation), Krishna District at Machilipatnam and three others ..Respondents

WP No.22089/2005:

Between:

1. Nimmagadda Venkateswara Rao and another ..Petitioners

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others. ..Respondents

WP No.22099/2005:

Between:

Kasanneni Ajaya Kumar ..Petitioner

and

1. The Person-in-charge, The Gannavaram Sree Sitamanjaneya Primary Agricultural Cooperative Society LimitedNo. 1021, Gannavaram, Gannavaram Mandal, Krishna District and four others. ..Respondents

WP No.22114/2005:

Between:

A. Jagadeeshwar ..Petitioner

and

1. The District Collector, Medak Distict-cum-Election Authority for Cooperative Societies, Medak District at Sanga Reddy and two others. ..Respondents

WP No.22160/2005:

Between:

1. B.Bhagawanth Reddy and two others ..Petitioners

and

1. The District Collector, Mahabubnagar and four others. ..Respondents

WP No.22139/2005:

Between:

1. P.Jaganadham and another ..Petitioners

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others ..Respondents

WP No.22140/2005:

Between:

1. Baru Krishnaiah and another ..Petitioners

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others. ..Respondents

WP No.22161/2005:

Between:

1. Rajupally Venkata Reddy and two others ..Petitioners

and

1. The District Collector, Mahabubnagar and four others. ..Respondents

WP No.22162/2005:

Between:

Bandela Rambabu ..Petitioner

and

1. The District Collector, Guntur, Guntur District and five others ..Respondents

WP No.22165/2005:

Between:

P. Satyanarayana Goud ..Petitioner

and

1. The District Collector, Medak District and three others ..Respondents

WP No.22166/2005:

Between:

Kosaraju Venkata Vara Prasad ..Petitioner

and

1. The Person-in-charge, Kalidindi Primary Agricultural Cooperative Society Ltd., Kalidindi, Kalidindi Mandal, Krishna District and two others. ..Respondents

WP No.22173/2005:

Between:

Lanka Narayan Rao ..Petitioner

and

1. The Commissioner for Cooperation and Registrar of Coop. Societies Limited, Andhra Pradesh, Gruhakalpa Buildings, Nampally, Hyderabad and five others ...Respondents

WP No.22175/2005:

Between:

M.Venkata Ramana ..Petitioner

and

1. The District Collector (Cooperation) Chittoor District, Chittoor and three others ..Respondents

WP No.22176/2005:

Between:

Danthuluri Satyendra Varma ..Petitioner

and

1. The Commissioner for Cooperation and Registrar of Coop. Societies Limited, A.P.

Gruhakalpa Building, Nampally, Hyderabad and five others. ..Respondents

WP No.22182/2005:

Between:

B. Srinivasa Rao ..Petitioner

and

1. The District Collector, Prakasam District at Ongole, and three others ..Respondents

WP No.22188/2005:

Between:

Sambana Suryanarayana ..Petitioner

and

1. The Commissioner for Cooperation & Registrar Coop. Societies, A.P. Gruhakalpa Buildings, Nampally, Hyderabad and five others. ..Respondents

WP No.22189/2005:

Between:

P.Sambasiva Rao ..Petitioner

and

1. The Government of Andhra Pradesh represented by its Principal Secretary, Agriculture and Cooperation Department, Secretariat Buildings, Hyderabad and four others ..Respondents

WP No.22192/2005:

Between:

P. Brahmaiah ..Petitioner

and

1. The District Collector, Prakasham District at Ongole and three others.

..Respondents

WP No.22195/2005:

Between:

M.Venakata Rami Reddy ..Petitioner

And

1.The District Cooperative Officer, Kadapa District, Kadapa and five others.
..Respondents.

WP No.22196/2005:

Between:

Ampolu Appala Naidu ..Petitioner

and

1. The Commissioner for Cooperation & Registrar of Cooperative Societies,
A.P.Gruhakalpa Buildings, Nampally, Hyderabad and five others. ..Respondents

WP No.22197/2005:

Between:

Kalisetti Appa Rao ..Petitioner

and

1. The Commissioner for Cooperation & Registrar of Cooperative Societies, Andhra Pradesh, Gruhakalpa Buildings, Nampaly, Hyderabad and five others.
..Respondents

WP No.22199/2005:

Between:

Bellam Venkateshwara Reddy ..Petitioner

and

1. The Commissioner of Cooperation & Registrar of Coop. Societies, A.P. Gruhakalpa Buildigs, Nampally, Hyderabad and four others. ..Respondents

WP No.22200/2005:

Between:

1. Bathula Narayana …Petitioner

and

1.The District Collector, Prakasham District, Ongole and five others. ..Respondents.

WP No.22204/2005:

Between:

V. Sivarama Prasad ..Petitioner

and

1. The District Collector (Cooperation) Guntur District at Guntur and three others. ..Respondents

WP No.22205/2005:

Between:

Movva Subba Rao ..Petitioner

and

1. The District Collector (Cooperation) Krishna District at Machilipatnam and four others ..Respondents

WP No.22211/2005:

Between:

Manukonda Malleswara Rao ..Petitioner

and

1. The District Collector (Cooperation) Guntur District at Guntur and three others.

..Respondents

WP No.22212/2005:

Between:

Kosaraju Panaiah ..Petitioner

and

1. The District Collector & Election Authority under A.P. Cooperative Societies Act, Prakasham District, Ongole and four others. ..Respondents

WP No.22214/2005:

Between:

1. Mitta Ramanjaneya Reddy and another ..Petitioners

and

1. The Person-in-charge, Rayalaseema Farmers Service Cooperative Society Limited (R.464) Talla Proddutur, Kondapur Mandal, Kadapa District and six others. ..Respondents

WP No.22215/2005:

Between:

Thumpati Srimannarayana ..Petitioner

and

1.The Special Officer-cum-Person-in-Charge, PACs Veerapaneni Gudem (No.H-825), Gannavaram Mandal, Krishna District and three others. ..Respondents

WP No.22217/2005:

Between:

Bandaru Ananthaiah ..Petitioner

and

1.The District Collector (Cooperation) Guntur District at Guntur and three others.

..Respondents

WP No.22218/2005:

Between:

A.Venkateswarlu ..Petitioner

and

1. The District Collector-cum-Cooperative Election Authority, Prakasham District, Ongole and two others ..Respondents

WP No.22220/2005:

Inturu Venakta Prasad ..Petitioner

And

1.The District Collector, Guntur District, Guntur and four others.

..Respondents.

WP No.22221/2005:

Between:

V.Sudhakar Reddy ..Petitioner

and

1.The District Collector, Medak District at Sangareddy and three others.
..Respondents

WP No.22222/2005:

Between:

Chintanippu Satyanarayana ..Petitioner

and

1. The District Collector, Khammam and three others. ..Respondents

WP No. 22223/2005:

Between:

Pallapolu Subba Reddy .Petitioner

And

1.The District Collector, Nellore District, Nellore and four others.

..Respondents.

WP No.22224/2005:

Between:

Indala Sanyasi Naidu ..Petitioner

and

1. The District Collector, Visakhapatnam and three others. ..Respondents

WP No.22226/2005:

Between:

1. Maddi Narasimha Reddy ..Petitioner

and

1. The District Collector, Medak District at Sangareddy and three others.
..Respondents

WP No.22231/2005:

Between:

Ch. Ramamurthy ..Petitioner

and

1. The District Co-op. Officer, Visakhapatnam and five others. ..Respondents

WP No.22233/2005:

Between:

Gurala Bangara Rao ..Petitioner

and

1.The Commissioner for Co-operation and Registrar of Cooperative Societies, Andhra Pradesh, Gruhakalpa Building, Nampally, Hyderabad and four others. ..Respondents

WP No.22234/2005:

Between:

Kojja Amarayya ..Petitioner

and

1. The Krosuru Primary Agricultural Co-operative Society Limited represented by its Person-in-Charge, Krosuru, Krosuru Mandal, Guntur District and two others. ..Respondents

WP No.22235/2005:

Between:

1. M.Nageshwar Reddy another ..Petitioners

and

1. The District Collector, Krishna District at Machilipatnam and three others. ..Respondents

WP No.22237/2005:

Between:

D.Chandri Naidu ..Petitioner

and

1 The Commissioner for Cooperation and Registrar of Cooperative Societies, Andhra Pradesh, Gruhakalpa Building, Nampally, Hyderabad, and four others. ..Respondents

WP No.22241/2005:

Between:

Kambala Narasimhulu @ Narasimha Reddy ..Petitioner

and

1. The District Collector (Cooperation), Nellore District at Nellore ..Respondents

WP No.22242/2005:

Between:

Sanyasi Demudu ..Petitioner

and

1. The District Collector, Visakhapatnam, and three others ..Respondents

WP No.22243/2005:

Between:

M.Anjaiah ..Petitioner

and

1. The District Collector, Prakasham District at Ongole and three others.
..Respondents

WP No.22244/2005:

Between:

G. Srinivasulu ..Petitioner

and

1. The District Collector, Prakasham District at Ongole and three others.
..Respondents

WP No.22247/2005:

Between:

P.Purushothama Reddy. ..Petitioner

And

1. The District Collector-cum-Election Officer for Cooperative Societies, Chittoor and two others. ..Respondents.

WP No.22251/2005:

Between:

1. P.Soman Goud and another ..Petitioners

and

1. The Government of Andhra Pradesh, Agriculture & Cooperation, Secretariat, Hyderabad, represented by its Principal Secretary and six others. ..Respondents

WP No.22252/2005:

Between:

Kalagara Rajendra Prasad ..Petitioner

and

1. The Government of Andhra Pradesh, Agriculture & Cooperation, Secretariat, Hyderabad, represented by its Principal Secretary and six others. ..Respondents

WP No.22258/2005:

Between:

1. Kota Ramantham and another ..Petitioners

and

1. The Government of Andhra Pradesh, Agriculture & Cooperation, Secretariat, Hyderabad, represented by its Principal Secretary, and six others ..Respondents

WP No.22280/2005:

Between:

Nelakuditi Sreenivasa Rao ..Petitioner

and

1. The Secretary (Person-in-charge), Dondapadu Primary Agricultural Cooperative Society, Dondapadu village, Thullur Mandal, Guntur District, and two others. ..Respondents

WP No.22301/2005:

Between:

Parasa Veera Babu ..Pettiioner

And

1. The State of Andhra Pradesh, represented by its Secretary, Cooperation, Secretariat Buildings, Hyderabad and four others. ..Respondents.

WP No.22308/2005:

Between:

Bhukya Venkateswarlu ..Petitioner

And

1. The District Collector (Cooperation) Krishna District at Machilipatnam and three others. ..Respondents.

WP No.22315/2005:

Between:

S. Satyavardhanarao ..Petitioner

and

1. The District Collector-cum-Election Authority, Prakasham District, Ongole and two others ..Respondents

WP No.22317/2005:

Between:

Lavu Subba Rao ..Petitioner

and

1. The District Collector, Guntur, Guntur District and five others. ..Respondents

WP No.22322/2005:

Between:

M.Bangaru Babu ..Petitioner

and

1. The District Collector-cum-Election Authority, Prakasham District Ongole and two others. ..Respondents

WP No.22331/2005:

Between:

Vejendla Narasimha Rao ..Petitioner

and

1. The District Collector, Guntur, Guntur District land five others. ..Respondents

WP No.22341/2005:

Mekala Malyadri ..Petitioner

And

1. The District Collector, Prakasham District, Ongole and five others. ..Respondents.

WP No.22354/2005:

Between:

Mupparaju Peraiah ..Petitioner

And

1.The District Collector, Prakasham District, Ongole and five others. ..Respondents.

WP No.22355/2005:

Between:

R.Demudu ..Petitioner

and

1. The Government of Andhra Pradesh, represented by its Secretary, Panchayat Raj Department, Secretariat Building, Hyderabad and two others. ..Respondents

WP No.22356/2005:

Athota Srinivasulu ..Petitioner

and

1. The District Collector, Prakasham District, Ongole and five others. ..Respondents.

WP No.22360/2005:

Between:

M.Venkata Swamy ..Petitioner

and

1. The District Collector, Prakasham District at Ongole and three others. ..Respondents

WP No.22362/2005:

Between:

B.Prabhakar Reddy ..Petitioner

and

1. The Secretary, PACs Bommalaramaram village and Mandal, Nalgonda District and two others ..Respondents

WP No.22363/2005:

Between:

Boddu Sivaiah ..Petitioner

and

1. The District Collector (Cooperation), Guntur District at Guntur and three other

..Respondents

WP No.22365/2005:

Between:

1. Annareddy Balaswamy Reddy and another ..Petitioners

and

1. The District Collector (Cooperation) Kadapa District, Kadapa and three others

..Respondents

WP No.22368/2005:

Between:

1. Sajja Venkateswarlu and another ..Petitioners

and

1. The District Collector, Prakasham District, Ongole and five others. ..Respondents.

WP No.22369/2005:

Between:

1. Totakura Rambabu and four others ..Petitioner

and

1. The Government of Andhra Pradesh, represented by its Secretary, Cooperation Department, Secretariat, Hyderabad and five others. ..Respondents

WP No.22378/2005:

Between:

Inampudi Nageswara Rao ..Petitioner

And

1. The District Collector (Cooperation),Guntur District at Guntur and three others. ..Respondents.

WP No.22391/2005:

Between:

1. Pathakota Subba Reddy and another. ..Petitioners

and

1. The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P.Gruhakalpa Buildings, Nampaly, Hyderabad and four others. ..Respondents.

WP No.22397/2005:

Between:

J.Pattabhirama Rao ..Petitioner

And

1. The District Collector, East Godavari District at Kakinada and three others. ..Respondents.

WP No.22410/2005:

Between:

K.Appa Rao ..Petitioner

and

1. The District Collector/District Election Officer, Guntur District, Guntur and three others. ..Respondents

WP No.22411/2005:

Between:

Seelam Gurupadham ..Petitioner

and

1. The District Collector and District Election Authority, Krishna District,

Machilipatnam, and another. ..Respondents.

WP No.22447/2005:

Between:

Lekkala Malakonda Reddy ..Petitioner

and

1. The District Collector-cum-Election Authority, Nellore, Nellore District and two others ..Respondents

WP No.22482/2005:

Between:

Chiluveru Lingam ..Petitioner

and

1. The District Collector (Cooperation) Warangal District at Warangal and four others. ..Respondents

WP No.22486/2005:

Between:

T.Venkata Krishna Rao ..Petitioner

And

1. G.Konduru Primary Agricultural Cooperative Society Limited, G.Konduru village and Mandal, and two others. ..Respondents

WP No.22497/2005:

Between:

Keesara Chinna Bhadra Reddy ..Petitioner

and

1. The District Collector, Machilipatnam, Krishna District and five others. ..Respondents

WP No.22499/2005:

Between:

Obbillaneni Giribabu ..Petitioner

and

1. The District Collector/Election Authority for the Societies, Eluru, West Godavari District, and two others. ..Respondents

WP No.22515/2005:

Between:

1. K.Ramaiah and another ..Petitioners

and

1. The District Collector-cum-Election Authority, Prakasham District, Ongole and two others. ..Respondents

WP No.22555/2005:

Between:

Meduri Visweswara Rao ..Petitioner

and

1. The District Collector-Election Authority, West Godavari District, Eluru and three others. ..Respondents

WP No.22585/2005:

Between:

A.Tulasi Rao ..Petitioner

and

1. The District Collector, Visakhapatnam and three others. ..Respondents

WP No.22637/2005:

Between:

Llukalapu Appala Ram ..Petitioner

and

1. The Commissioner for Cooperation and Registrar of Cooperative Societies, Andhra Pradesh, Gruhakalpa Building, Nampally, Hyderabad and four others. ..Respondents

WP No.22777/2005:

Between:

Giddala Santhamma ..Petitioner

And

1.The Election Officer, Gattu Primary Agricultural Cooperative Society, Gattu, Mahabubngar District, and three others.

..Respondents.

WP No.22888/2005:

Between:

C.Tirupataiah ..Petitioner

And

1. A.Narasimha Reddy and two others. ..Respondents

WP No.22891/2005:

Between:

Dandu Viswanatha Reddy ..Petitioner

and

1. The Commissioner for Cooperation and Registrar of Cooperative Societies, Andhra Pradesh, Gruhakalpa Building, Nampally, Hyderabad and five others ..Respondents

WP No.22908/2005:

Between:

Surapaneni Ram Mohana Rao ..Petitioner

and

1. The Commissioner for Cooperation and Registrar of Co-operative Societies, Government of Andhra Pradesh, Hyderabad and three others. ..Respondents

WP No.22911/2005:

Between:

Adabala Satyanarayana ..Petitioner

and

1. The District Co-operative Officer, Kakinada, East Godavari and four others ..Respondents

WP No.22912/2005:

Between:

Bonthu Surya Rao ..Petitioner

and

1. The District Co-operative Officer, Kakinada, East Godavari and four others. ..Respondents

WP No.22914/2005:

Between:

Bolla Padda Raju ..Petitioner

and

1. The District Co-operative Officer, Kakinada, East Godavari and four others. ..Respondents

WP No.22915/2005:

Between:

1. Veeraparaju Vishnu Murthy and another. ..Petitioners

and

1. The District Collector-cum-Election Authority, West Godavari District, Eluru and two others. ..Respondents

WP No.22916/2005:

Between:

G.Sarat Reddy ..Petitioner

and

1. The District Collector (Cooperation) West Godavari District and three others. ..Respondents

WP No.22948/2005:

Between:

1. Bayana Venkateswara Rao and two others. ..Petitioners

and

1. The District Collector-cum-District Election Authority, Krishna District at Machilipatnam and seven others. ..Respondents.

WP No.23002/2005:

Between:

Kakani Srinivasa Rao ..Petitioner

and

1. The Commissioner of Co-operative Societies, Andhra Pradesh, Hyderabad and three others. ..Respondents

WP No.23583/2005:

Between:

S.Sekhar ..Petitioner

and

1. The Government of Andhra Pradesh, Agriculture & Cooperation, Secretariat, Hyderabad, represented by its Principal Secretary, and three others ..Respondents

WP No.23817/2005:

Between:

Devarakonda Sambasiva Rao ..Petitioner

And

1. The Election Officer, Primary Agricultural Cooperative Society Limited, Chintayapalem, Karlapalem Mandal, Guntur District and two others. ..Respondents.

WP No.23818/2005:

Between:

Jillapegu Satyanandam ..Petitioner

And

1. The Election Officer, Primary Agricultural Cooperative Society Limited, Chintayapalem, Karlapalem Mandal, Guntur District and two others. ..Respondents.

THE HON'BLE MR JUSTICE A.GOPAL REDDY

COMMON ORDER:

All these writ petitions have been heard together because they have common features and raise common issue with regard to competency of Person-in-Charge committee in admitting members on the eve of ensuing elections to the Primary Agricultural Cooperative Societies.

Brief facts giving rise to filing of these writ petitions are as under: Elections to the Managing Committees of the Primary Agricultural Co-operative Societies were conducted way back on 27-7-1995 and the term of which is for five years which was ended by 26th July, 2000. On expiry of the term of the office of the Managing Committees of the Societies, the Government through G.O.Ms.No.172 dt. 24-7-2000 appointed the existing Managing Committees as Person-in-Charge committees under Section 32(7)(a) of the A.P. Co-operative Societies Act, 1964 (for short "the Act") for a period of 6 months under Section 131 of the Act, and said arrangement has been continued for a considerable period from time to time. Through G.O.Rt. No.606 dt. 3-7-2004 the Government appointed official Person-in-Charge in place of Non-official Person-in-Charge for a period of 6 months as a policy. A batch of writ petitions ie., W.P.No.12116/2004 and batch were filed challenging the same by the elected committees which were continued as Person-in-charge till then. The said writ petitions were eventually dismissed by this court on 8-11-2004. In the meanwhile, Government issued an Ordinance on 31-1-2005 for amending certain provisions of the Act which was replaced by Act 6/2005. Consequently, amendments were also effected to Andhra Pradesh Co-operative Rules, 1964 (for short "the Rules") through G.O.Ms.No.223 Agri.& Coop (Coop-IV) Department dt. 27-6-2005 and G.O.Ms.No.324 Agri. & Coop (Coop-IV) Department dt. 29-7-2005. On such amendments being made, the Commissioner and Registrar of Co-operative Societies issued election schedule to PACs specifying that appointment of Election Officer will take place on 29-7-2005 who gave a requisition for production of records on 1-8-2005; preparation of list of eligible members to vote by the Chief Executive Officer on or before 5-8-2005, to which objections will be invited by Chief Executive Officer and finalization of voters' list by 11-8-2005; and thereafter handing over the

voters' list to the Election Officer shall be made on 5-9-2005 as per rule 22 (2)(b)(iv) of the Rules. On handing over of the voters' list to the Election Officer, Election Officer shall scrutinize the voters' list on or before 5-9-2005 and issuance of election notification by Election Authority was fixed on 5-10-2005. On issuance of election notification, publication of voters' list will be made by the Election Officer on 6-10-2005 as per Rule 18(c) of the Rules. On issuance of election programme by the Commissioner and Registrar, writ petitions were being filed on 3-10-2005. In some cases interim orders were passed. This court in WPMP No.27510/2005 in WP No.21465/2005 dt. 4-10-2005 directed the District Collector/Election Authority to conduct elections to the Societies as per Rules on the basis of the voters' list available on the date of appointment of the Person-in-Charge only, but not on the subsequent additions to the voters' list. Whereas WP No.20905/2005 which was filed questioning the induction of new members into Pandalapaka Primary Agricultural Co-operative Credit Society was allowed by judgment of this court dt. 4-10-2005 directing the respondents therein to conduct elections to the Primary Agricultural Co-operative Credit Society of Pandalapaka village on the basis of list of voters' that was in existence when the Person-in-Charge of the society was appointed but not with additions made after Person-in-Charge took charge of the management of the Society. Aggrieved by the directions issued in the writ petitions, writ appeals were filed. When a Division Bench of this court refused to stay the operation of the orders, SLP Nos.2163 and 2165 of 2005 were filed before the Supreme Court. The Supreme Court having set-aside the orders passed by this court directed the matter for fresh disposal. On issuance of election notification several writ petitions were filed, which came up for admission on 7-10-2005. Since election process is set in motion, this court held that elections cannot be interdicted unless the respondents are heard in the matter, and said WPMPs were taken up for hearing on 21-10-2005. This court directed that election scheduled to be conducted on 22-10-2005 and 26-10-2005 as the case may be, may go on as per the Schedule, however, ballot papers of the persons admitted as members of the Society after 11-8-2005 shall be kept in a separate box.

The substratum of the grievance of the petitioners in all the writ petitions is with regard to the admission of members on issuance of election schedule to PACs by the Person-in-Charge who were appointed under Section 32(7)(a) of the Act will not

cloth with the powers to enroll the persons as members as held by the Apex Court in ***JOINT REGISTRAR OF COOPERATIVE SOCIETIES, KERALA V. T.A. KUTTAPPAN ETC.,***. Several members have been enrolled by the Person-in-charge, which changes the composition of the society. As per proviso to Rule 18(ii) (c) of the Rules issued through G.O.Ms.No.223, Agriculture & Co-operation (Coop.IV) Department dt. 27-6-2005 voting right will be accrued to a member of the society if he continues for a period of 30 days from the date of admission till the date of election notification by the Election Authority. Once election officer is appointed on issuance of election programme, no person can be appointed under the garb of receiving objections to the voters' list finalization. Therefore, elections have to take place basing on the voters' list as on 09-08-2005 and in some cases it was stated that voters' lists, which were existing prior to the appointment of Person-in-Charge committee, shall be taken into consideration for conducting elections. Any person enrolled by the Person-in-Charge cannot be included in the voters' list nor they can be permitted to cast their vote.

In opposition to the writ petitions, Commissioner for Co-operation and Registrar of Cooperative Societies filed separate counter-affidavits with the similar averments stating that Election Officer after satisfying himself to the effect that the list of eligible members to vote is conforming to the provisions of the Act land Rules, as contemplated under Rule 22(2)(b)(vi) of the Rules be finalized and published the voters' list on the day approved by the Election Authority. Pursuant to the directions issued by the High Court in WA No.278/2005 the Government issued directions authorizing the District Collectors to perform the duties as Election Authorities by appointing Election Officers to the societies on 29-7-2005 for completion of election process as per the statutory provisions and rules, as a result, the Election Authorities issued election notifications as contemplated under Rule 22(2)(b) of the Rules duly fixing the poll date and approving the election schedule. On issuance of election notification by the Election Authority on 15-10-2005 election process has reached to an advanced stage and once election process commenced, the same cannot be interdicted by the High Court except relegating the persons to raise an election dispute under the provisions of Section 61(3) of the Act before the Tribunal having the jurisdiction over the place where the main office of the society is situated. Amendment effected to Section 31(a) of the Act empowers the Managing Committee to admit the members instead of general body who is empowered to admit members after afflux of time of the elected Managing Committee.

Smt. Bobba Vijayalakshmi, learned counsel appearing for the petitioners submits that the election schedule was announced on 16-9-2005 specifying the date for handing over of the voters' list to the Election Officer as 5-9-2005. Once societies prepared the voters' lists and handed over to the Election Officers, he cannot enroll any member, therefore, all the members who have been admitted after 11-8-2005 cannot be allowed to participate in the election process, unless they were enrolled members prior to 5-9-2005.

Sri M.S.Ramachandra Rao, learned counsel fairly admitted that WP Nos.21847, 21896, 22086, 22204 and 22211 of 2005 were filed after issuance of election notification. Whereas Smt. Bobba Vijayalakshmi conceded that WP Nos.21534, 21548, 21564, 21572, 21592, 21596, 21599, 21600 and 21634 of 2005 were filed prior to issuance of election notification and the remaining after issuance of notification. Both the counsel submitted that writ petitions were not filed questioning the elections which are scheduled to be held to the societies pursuant to the election notification but filed questioning the competency of the Person-in-Charge in admitting the members. Sri. M.S.Ramachandra Rao further contends that newly inducted persons need not be impleaded once it is held Person-in-Charge will not have jurisdiction to admit the members and declaration to the said effect is suffice and petitioners will have to work out their remedies elsewhere. Reliance is placed in support of his contention on the judgments of the Apex Court in ***P. RAMEGOWDA V. R.KRISHNA MURTY*** and this court in ***BHADRACHALAM PAPER BOARDS LTD., SECUDNERABAD V. UNION OF INDIA & OTHERS.*** He further contends that no opportunity was given to raise objection with regard to admission of members as gap between the notification and election is very short.

Sri D.V.Bhadram, learned counsel representing the petitioners in WP Nos.21813, 22251, 22252, 22258, 22391, 23583 of 2005 contends that Person-in-Charge committee is not competent to enroll members in the absence of convening general body meeting and election notification issued for electing members is not in tune with the provisions of the Act., namely, Section 2(g), 30(2) (i) and Section 31, 32(6), 32(7)(a), 32(7)(d), 34(5) and Rule 22(3)(a). According to him, without convening general body, elections, if any conducted, are void, and contrary to Rule 22(2)(b)(vi) and same are liable to be set aside.

Sri Rajendra Prasad, learned counsel representing the petitioner in WP

No.21685/2005 and other writ petitions contends that representation dt. 30-9-2005, which was made to the Election Authority mentioning irregularities in preparation of voters' list and to make an enquiry about the illegality in enrolling members was not yet disposed of, but he did not question the election notification. Whereas Sri A.Chandraiah Naidu, learned counsel representing the petitioner in WP No.21840/2005 contends that Person-in-Charge committee enrolled 500 members even after 5-9-2005, who is not supposed to enroll any member and the petitioner being an aspirant to contest in the elections, could not contest the election in view of such enrolment as he cannot muster sufficient majority.

Refuting the above submissions, learned Government Pleader for Co-operation contends that Person-in-Charge committees do have the power to enroll members and elected Managing Committees were continued till July, 2004 on issuance of G.O.Rt No.606 dt. 3-7-2004. Several writ petitions were filed questioning the said GO, but this court upheld the same. Since from 2002 to 2005 no steps were taken to enroll members, persons who are eligible to become members of the societies can apply under sub-section (2-A) of Section 19 to the Registrar and persons so applied shall be deemed to have been admitted as members from the date of receipt of application in the office of the society, unless he has been declared as not eligible for membership of the society within 30 days from the date of the receipt of the application. Name of every person admitted or deemed to have been admitted as a member of the society shall be entered in the records as per sub-section (4) of Section 19. Rule 22(2)(b)(ii) contemplates publication of eligible members to vote either by the Chief Executive Officer or President of the society. Election Officer shall issue the notice of general body meeting to all the members for conduct of elections by one or more of the methods envisaged in Rule 3(a), but not the general body meeting as contended. He further submits that person-in-charge committee was not appointed to conduct elections as was the case in the case of ***T.A.KUTTAPPAN*** (1 supra). Against any admission or rejection of the members an appeal lies to the Tribunal constituted under Section 76. He further contends that if any petitioner aggrieved by the admission of the members, he can file appeal against such admission, therefore, writ petitions cannot be entertained and placed reliance on the judgments in ***C.SUBRAHMANYAM V. K.RAMANJANEYULU*** and ***KALLA RAMAKRSIHNA V. STATE ELECTION COMMISSION, HYDERABAD***. He further contends that Person-in-Charge appointed is not committee on supersession of Committee of Management under Section 34 of the Act as was done in the case of

T.A KUTTAPPAN (1 supra). Facts in the said case are entirely different with the facts in the present cases. Further under Rule 18, a member of the society shall be eligible to exercise the right to vote only if he is a member of the society for a continues period of 30 days from the date of admission into the society till the date of election notification.

Learned counsel for the respondents in WP No.21935, 22056, 22086, 22089, 22139, 22140 of 2005 would submit that there were unanimous elections to the PACs, therefore keeping the votes in a separate box does not arise and petitioners if aggrieved by the enrolment of the members can raise a dispute under Section 76 or before the Arbitrator.

Since the petitioners have not been questioned the conduct of elections based upon the eligible voters' lists prepared and published as per notification dt. 16-9-2005 of the Commissioner and Registrar of Co-operative Societies, the only point that arises for consideration in this batch of writ petition is whether Person-in-Charge of the society can admit new members afresh after issuance of election schedule by the Commissioner.

In order to decide the contentious issues, it is appropriate to notice the relevant statutory provisions, which govern the issue.

Section 19 deals with eligibility for membership, which reads as under:

19. Eligibility for membership:-

1. Subject to the provisions of Section 21,--

(a) an individual who attained majority and is of sound mind and who belongs to a class of persons, if any, for whom the society is formed as per its bye-laws and who possesses such qualifications as may be specified in the bye-laws or as may be prescribed for the concerned class of societies in the interest of Co-operative movement.

(b) X x x

(c) x x x

shall be eligible for admission as a members—

x x x x

x x x x

Provided also that a society shall admit an individual or a society referred to in clauses (a) and (b) above as a member, subject to the condition that the society is in a position to extend its services to such individual or society.

(2-A) Any person duly qualified for admission as a member under the provisions of the Act, the rules and bye-laws, may apply through the Registrar for membership of such societies and in such forms as may be prescribed and such person shall be deemed to have been admitted as a member of the society from the date of receipt of the application in the office of the society.

(2-B) Notwithstanding anything in this Act, the Registrar may either suo motu at any time or on any application by the society or any aggrieved person made within fifteen days from the date mentioned in sub-section (2-A) and after giving an opportunity to the person concerned and recording the reasons therefore declare such person as not eligible for membership of the society within thirty days from the date of receipt of the application by the Registrar.

2. The General body of a society shall not without sufficient cause, refuse admission to membership to any person duly qualified there for under the provisions of this Act and its bye-laws. Where admission is so refused, the decision, with reasons therefore, shall be communicated by the registered post to such person within fifteen days of the date of the decision, or within sixty days from the date of his application for membership, whichever is earlier.

(4)

The name of every person admitted or deemed to have been admitted as a member of the society shall be entered in such records of the society as may be prescribed and the member so admitted shall be issued a photo identity card.

Section 21 deals with disqualification for membership of society. Section 32(7)(a)(i)

deals with appointment of a person or persons to manage the affairs of the society. It reads as under:

> "If there is no committee or in the opinion of the Government or, the Registrar, it is not possible to call a general meeting for the purpose of conducting election of members of the committee, the Government, in respect of such class of societies as may be prescribed and the Registrar in all other cases may appoint a person or persons to manage the affairs of the society for a period not exceeding six months and the Government may, on their own and the Registrar with the previous approval of the Government, extend, from time to time, such period beyond six months, so however that the aggregate period include the extended period if any, shall not exceed six years.

"Committee" has been defined under sub-section (d) of Section 2, which means " the governing body of a society by whatever name called, to which the management of the affairs of the society is entrusted".

Section 34 deals with supersession of the committee, which reads as under:

1. If in the opinion of the Registrar, the committee is not functioning properly or wilfully disobeys or fails to comply wilfully with any lawful order or direction issued by the Registrar under this Act or the rules, he may after giving the committee an opportunity of making its representation, by order supersede the committee from a specified date; and appoint either a person (hereinafter referred to as the special officer) or a committee or two or more persons (hereinafter referred to as the managing committee) to manage the affairs of the society for a period not exceeding two years, specified in the order which period, may, at the discretion of the Registrar, be extended from time to time, so however, that the aggregate period shall not exceed three years.

2. X x x

3. The special officer or the managing committee shall, subject to the general control of the Registrar and to such directions as he may from time to time, give, have to exercise all or any of the functions of the committee or of any officer of the society.

Rule 12-A of the Rules provides any person duly qualified for admission as a member under sub-section (2-A) of Section 19, may apply for membership for any

Agricultural Co-operative Societies in Form "J". Rule 14 envisages entering the name of every person admitted as member under sub-section (3) of Section 19 in the admission registrar by the Chief Executive Officer of the society or the President where there is no Chief Executive Officer and he shall issue a photo identify card to every such person, at the time of his admission duly attested in the form prescribed thereunder. Rule 16 deals with nomination of heir of the member. Rule 17 deals with procedure to be adopted when no nomination is made. Under Rule 18, no member of the society shall have the right to stand as a candidate or to vote in any election to the society, unless he transacts the minimum value of business or utilizes the minimum value of services or facilities as prescribed in the bye-laws, during a co-operative year, and a member of a society shall be eligible to exercise the right to vote if he is a member of the society for a continuous period of 30 days from the date admission into the society till the date of election notification by the Election Authority. Rule 20 deals with removal of a member of a society who is disqualified after admission. Rule 22 deals with conduct of elections to the Co-operative Societies. Rule 22(3)(a) contemplates issuance of notice of general meeting by the Election Officer to all the members for conduct of elections by one or more methods prescribed under the said rule.

In ***ZOROASTRIAN ZOOP.HOUSING SOCIETY LIMITED V. DISTRICT REGISTRAR, COOP.SOCIETIES (URBAN)***, the Supreme Court traced the history of legislation brought into govern the cooperative movement and various enactments made thereafter, and held that the cooperative movement, by its very nature, is a form of voluntary association where individuals unite for mutual benefit in the production and distribution of wealth upon principles of equity, reason and common good. No doubt, when a cooperative society gets registered under the Cooperative Societies Act, it is governed by the provisions of the Cooperative Societies Act and Rules framed thereunder. In the light of the arguments advanced before the Supreme Court that its members have the right to be associated only with those whom they consider eligible to be admitted and the right to deny admission to those with whom they do not want to associate, cannot be interfered with by the Registrar by imposing on them a member who according to them was not eligible to be admitted. The Supreme Court in para 17 observed as under:

> "…The effect of the observations in Daman Singh case (AIR 1985 SC 973) is only that cooperative societies, from their very inception are governed by the statute, the Cooperative Societies Act, that they are

> created by statute, they are controlled by the statute and so, there can be no objection to statutory interference with their composition or functioning and there is no merit in a challenge to statutory interference based on contravention of the individual right of freedom of association. As we understand the statement of the law by this Court in Daman Singh case, it only means that the action of the Society in refusing membership to a person has to be tested on the anvil of the provisions of the Act, the Rules and its bye-laws. Be it noted that the bye-laws had already been approved on the basis that they were consistent with the Act and the Rules. Even then, it may be possible in a given case to point out that a particular bye-law was against the terms of the Act or Rules. Daman Singh does not indicate that the Act, the Rules and the bye-laws for that matter, have to be given the go-by, merely because the particular bye-law or action of the Society may not accord with our concept of fairness or propriety in terms of the rights available to an ordinary citizen.

It was further held thus:

> "It appears to us that unless appropriate amendments are brought to the various Cooperative Societies Act incorporating a policy that no society shall be formed or if formed, membership in no society shall be confined to persons of a particular persuasion, religion, belief or region, it could not be said that a society would be disentitled to refuse membership to a person who is not duly qualified to be one in terms of its bye-laws" (para 23).

In ***NEW FRIENDS COOPERATIVE HOUSE BUILDINGS SOCIETY LIMITED V. RAJESH CHAWLA*** where writ application was filed to quash the order issued by the Election Officer of the society and for setting aside the order passed by him and for a direction for carrying out fresh inquiry regarding defaulters was allowed by the Delhi High Court. On appeal being filed by the Society, the Supreme Court observed in para-4 as under:

> "The question whether a member was a defaulter had to be adjudicated in appropriate proceedings and writ application prima facie was not a proper course. Assuming without accepting that the stand taken for the alleged defaulters can be entertained and gone into in the course of conduct of election, it could, if at all be only for the limited purpose of election and the right of the society or the member for having their rights and liabilities finally and effectively get adjudicated by arbitration proceedings statutorily provided for under the statute in lieu of proceedings before civil court, and the conclusions arrived at or recorded in the course of election proceedings shall be only without

prejudice to and ultimately subject to all or any such proceedings and decisions by such statutory forums…..(para4)

Learned counsel for the petitioners placed strong reliance on the judgment of the Supreme Court in ***T.A.KUTTAPPAN*** (1 supra), wherein the question fell for consideration was whether the administrator or a committee appointed while the Committee of Management of the society is under supersession have the power to enroll new members. The Supreme Court after taking into consideration Section 32(4) of the Kerala Cooperative Societies Act, 1969 and Sections 30(2) and 30-A of the Karnataka Cooperative Societies Act, 1959, which deal with the appointment of administrator held that the administrator or a committee appointed while the Committee of Management is under supersession cannot have the power to enroll new members. While holding it was observed that cooperative society is expected to function in a democratic manner through an elected Committee of Management and that Committee of Management is empowered to enroll new members and enrolment of new members would involve alteration of the composition of the society itself and such a power should be exercised by an elected committee rather than by an administrator or a committee appointed by the Registrar while the Committee of Management is under supersession.

I n ***AHMEDNAGAR ZILLA S.D.V. & P. SANGH LIMITED V. STATE OF MAHARASTRA***, amendment of bye-laws on which basis electoral roll was prepared was the subject matter of challenge. Writ petition filed under Art. 226 of the Constitution of India for direction to the Returning Officer for inclusion of the names of the respondents in electoral roll in view of the fact that the amendment in the bye-laws was struck down by the appellant authority, was allowed by the Bombay High Court Bench at Aurangabad directing the authority for inclusion of their names in the electoral roll. When the same was challenged before the Supreme Court, it was held that since the writ petitioners had no other remedy except to file an appeal before the appellate authority and once it was held that amendment of the bye-laws was not in conformity with law the electoral roll prepared on the basis would fall down and the Tribunal is not competent to adjudicate validity of such amendment and writ as such can be maintainable.

I n ***PUNDALIK V. STATE OF MAHARASHTRA*** Maharashtra Rajya Sahakari Doodh Maha Sangh, Maryadit, Mumbai (for short “the Maha Sangh”) had taken a decision to send the name of Pundlik in place of respondent No.7 as delegate of the Aurangabad Zilla SahakariDoodh Utpadak Sangh Limited, Aurangabad (for short “ the Sangh”). R-7 raised a dispute before the Cooperative Court, Aurangabad, which is pending. In the meanwhile, the Collector informed the Pundlik that in the list of subjects of the meeting, there was no subject for changing the name of the representatives of the Sangh and therefore change of the representative in the meeting was not proper. Aggrieved by the same, Pundlik filed a writ petition before the Bombay High Court. On dismissal of the same, the appellant Pundlik carried the matter in appeal to the Supreme Court. The Supreme Court while observing that the ratio laid down in SANT SADGURU LJANARDAN (MOINGIRI MAHARAJ) SAHAKARI DUGDHA UTPADAK SANSTHA V. STATE OF MAHARASHTRA (2001)8 SCC 509) does not apply to the facts of the case and since the Collector by not acting on the resolution, acted contrary to law and the appellant was wholly justified in making complaint before the High Court and praying for exercise of writ jurisdiction under Art.226 of the Constitution held that non implementation of the resolution and refusal to change the name of the representative of the Sangh by the Collector was unlawful and High Court ought to have set-aside the decision by directing the Collector to effect the change and treat the appellant as representative of the Sangh in place of respondent No.7.

In the above two cases, the Supreme Court held that writ was maintainable under different circumstances, but they are misplaced to the facts of the present cases.

Whereas learned Government Pleader placed reliance on the judgments of the Apex Court in ***C.SUBRAHMANYAM*** (4 supra) and this court in ***KALLA RAMAKRISHNA*** (5 supra) and ***M.J.VEERAMANI v. GOVERNMENT OF INDIA*** to buttress his submission that in view of the alternative remedy available to the petitioners against inclusion of the names in the voters’ list by way of election petitions writ petitions cannot be maintainable.

Reliance was also placed on the judgments of the Supreme Court in ***BHARAT SALES LIMITED V.LIC OF INDIA***, and this court in ***BHADRACHALAM PAPER BOARDS LIMITED*** (3 supra) and 2001(4) ALD 476, for the proposition that alternative remedy cannot be an absolute bar for maintaining the writ petition. There

is no quarrel with the proposition laid down in those decisions. But since it is an accepted principle that it is for the High Courts to decide whether it could exercise jurisdiction in view of the availability of alternative remedy or can relegate the parties to exhaust the said remedy depending upon the facts and circumstances of the each case, it is a rule of policy, convenience and discretion rather than a rule of law.

Admittedly, Section 30 of the Karnataka Cooperative Societies Act is *in pari materia* to Section 34 as referred to above. It is an admitted fact that there is no provision in the Karnataka Cooperative Societies Act like that of Section 32(7) (a) which is existed in A.P. Cooperative Societies Act. Further Section 19 of the Act as referred to above envisages deemed admission of members, whereas sub-section (4) of Section 16 of the Karnataka Cooperative Societies Act envisages deemed refusal of admission if no communication of admission as a member is received by the applicant before the expiry of the period, but the converse is the provision under the Act where Sec.19 deals with deemed admission under Section (2-A) if he was not informed of ineligibility and name of every person admitted or deemed to have been admitted as a member of the society shall be entered in such records of the society as may be prescribed under sub-section (4) of Section 19.

The Supreme Court in ***ZOROASTRIAN COOP.HOUSING SOCIETIES LIMITED (6 supra)*** categorically held that unless necessary amendments are brought to the Cooperative Societies Act incorporating a policy with regard to admission of members, it could not be said that a society would be disentitled to refuse membership to a person who is not duly qualified to be one in terms of its bye-laws. The provisions of the Act, as referred to above, incorporate a policy with regard to admission of members.

None of the petitioners argued that under the respective bye-laws members who are now being admitted are shown as members in the voters lists are not entitled to become members. Sub-section (4) of Section 19 of the Act ordains names of every person admitted or deemed to have been admitted as a member of the society shall be entered in such records of the society as may be prescribed and the member so admitted shall be issued a photo identity card. It is an undisputed fact that since from July, 2000 onwards till announcement of election schedule, Person-in-Charge committees were managing the affairs of the Societies. In effect, there was no elected committee and in the process, all the members who are desirous of enrolling themselves as members have to make their applications either through the Registrar

or through the Society as contemplated under Section 19 and Rules. If persons who applied for enrolling themselves as members are not disqualified to become members as per the Rules and bye-laws of the society and if not informed of their disqualification and in-eligibility to become members, all such members who applied for admission are deemed to become members of the society. In such an event, Person-in-Charge will only enter the names of such deemed members in the record maintained by the society and whether all the members who are shown as members in the voters' list are deemed members as admitted under Section 19 first time applied and admitted after election notification are all disputed questions fact, which cannot be enquired into in the present writ petitions in the absence of members who have been enrolled have been impleaded as parties to the writ petitions.

Further it is not in dispute that all the writ petitions which are filed on the eve of election notification issued and publication of the voters' lists by the Election Officer after Person-in-Charge committees forwarded their voters' lists to the Election Officers. .

The Supreme Court in ***NEW FRIENDS COOP.HOUSE BUILDING SOCEITY LIMITED (7 supra)*** categorically held that writ application, prima facie, was not a proper course for adjudication of the position of a member as about his entitlement to be admitted or otherwise and adjudication of such a question in the course of conduct of election could, if at all, be only for the limited purpose of election and not foreclosing the right of the parties to adjudication of their rights and liabilities in arbitration proceedings.

Having regard to the said facts, it can only be held that any member first admitted after election notification during interregnum cannot be shown as member unless he is a member of the society for a continues period of 30 days from the date of admission into the society till the date of election notification.

In view of the same, the petitioner who filed their respective claims or objections with regard to enrolment of members, if not already filed, are at liberty to file claims or objections before the concerned Divisional Co-operative Officer with specific particulars that the members so admitted are in-eligible to become members as per the bye-laws or they are not entitled to become members of the society, or can straight away file an appeal against their admission as members into the society before the Tribunal constituted under section 75 of the Act. On such dispute being

raised, the concerned Divisional Cooperative Officer shall conduct an enquiry into the nature of admission, namely, whether they are deemed members under Section 19 (2-A) and rightly shown as members under sub-Section (4) of Section 19 in the light of the Rules or they were first time admitted after cut off date and before election date, and such adjudication by the Divisional Cooperative Officer shall be after due intimation to the persons likely to be affected. The writ petitioners or members admitted whose rights were infringed, who have not been satisfied with the decision of the Divisional Co-operative Officer can file an appeal before the Tribunal questioning the correctness of the decision.

Sri D.V.Bhadram, learned counsel for the petitioners as referred to above, submits that election notification challenged on the ground that without convening general body meeting issuance of election notification is per se bad and entire process is liable to be set aside. Rule 22(3)(a) contemplates issuance of notice of general meeting but not general body meeting as asserted by him. Further non-compliance with the provisions of the Act or Rules made thereunder being a ground for election petition, writ petition held as not maintainable as held by the Supreme Court in ***C.SUBRAHMANYAM*** (4 supra). In view of the same, I see no force in the submission made by the learned counsel that this court can entertain writ petitions and can decide the validity of the election notification.

Mr.Rajendra Pradad, learned counsel in all the writ petitions where he is appearing for the petitioners submits that representations made by the petitioners pointing out irregularities in preparation of voters' list and to make an enquiry about the illegality in enrolling members have not been disposed of. He made it clear that he has not questioned the election notification based upon the voters' lists prepared, sufficient direction may be issued to dispose of the representations made by the petitioners. Accordingly, the respondents with whom representations are made are directed to consider the same after due notice to the petitioners and members who are admitted subsequent to the voters' lists forwarded by the Person-in-Charge committees and pass appropriate orders, and communicate the same to the petitioners. On such orders being intimated to the petitioners, the parties who are likely to be affected are at liberty to avail the remedies as are available against such decision before the appropriate forum. With the above direction, W.P.Nos. 21685/2005, 22200/2005, 22220/2005, 22223/2005, 22341/2005, 22354/2005, 22356/2005 and 22368/2005

are accordingly disposed of.

The writ petitions questioning issuance of election notification, deletion of members, inclusion of dead persons as members, non-inclusion, bifurcation, location, acceptance of nominations and rejection of nominations of voters are liable to be dismissed. If their names were deleted which materially affects the election to the managing committee, they are at liberty to challenge the same before the appropriate Forum including filing election petitions. On filing such petitions it is needless to say the Tribunal shall consider the same and pass appropriate orders.

The W.P.Nos.21565/2005, 21576/2005, 21667/2005, 21700/2005, 21717/2005, 21744/2005, 21818/2005, 21921/2005, 22195/2005, 22247/2005, 22391/2005, 22397/2005, 22411/2005, 22486/2005, 22888/2005, 22948/2005, 23817/2005, 23818/2005, and 22777/2005 are accordingly dismissed.

With the above direction, the remaining writ petitions are accordingly disposed of.

In the facts and circumstances of the case, there shall be no order as to costs.

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A. GOPAL REDDY, J

Kmr/Murthy

28-04-2006